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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

**A1 ON TRACK SLIDING DOOR REPAIR  
AND INSTALLATION, INC., SYLVIA  
SCHICK, and DEBORAH SCHICK,**  
individually and on behalf of all others  
similarly situated,

Plaintiffs,

v.

**BRANDREP, LLC,** a Delaware limited  
liability company,

Defendant.

Case No. 3:21-cv-03013-SI

**PLAINTIFFS' STATUS REPORT AND  
REQUEST TO VACATE CASE  
MANAGEMENT CONFERENCE**

Plaintiffs A1 On Track Sliding Door Repair and Installation, Inc., Sylvia Schick, and Deborah Schick (collectively "Plaintiffs") respectfully provide the following status report and request that the Court vacate the case management conference scheduled for September 3, 2021, at 12:00 p.m. In support of this request, Plaintiffs state as follows:

1. Plaintiffs filed their Class Action Complaint on April 26, 2021 against Defendant BrandRep, LLC ("Defendant" or "BrandRep") (dkt. 1), which was later amended on April 29, 2021 (dkt. 6).
2. On April 30, 2021, the Court issued a summons directed to BrandRep. (Dkt. 8.)

1           3.       On April 27, 2021, the Court set an initial case management conference for July  
2 30, 2021. (dkt. 16.)

3           4.       Defendant BrandRep was served on July 15, 2021 (dkt. 24), placing its deadline to  
4 respond to Plaintiffs' First Amended Complaint ("FAC") on August 5, 2021.

5           5.       After counsel for BrandRep failed to appear at the initial case management  
6 conference, the Court continued the conference until August 27, 2021 (dkt. 26), which was later  
7 continued to September 3, 2021 (dkt. 33).

8           6.       After BrandRep failed to respond to the FAC, Plaintiffs filed their request for entry  
9 of default against BrandRep on August 9, 2021. (Dkt. 28)

10          7.       On August 10, 2021, the Clerk of Court entered default against BrandRep.

11          8.       In light of the entry of default, Plaintiffs respectfully request that the Court vacate  
12 the case management conference scheduled for September 3, 2021. That is, given that the entry of  
13 default cuts off a defendant's right to appear in the case or file an answer, the parties are unable to  
14 confer pursuant to Rule 26(f) and submit a joint report.

15          9.       On August 16, 2021, BrandRep filed a motion to vacate the entry of default. (Dkt.  
16 34). The Court terminated the motion to vacate for failing to comply with the local rules. (Dkt.  
17 35.)

18          10.      At this time, Plaintiffs anticipate that Defendant BrandRep will re-file a motion to  
19 vacate the entry of default. After a decision on the motion to vacate, the Court should set a status  
20 conference to set deadlines for the remainder of the case. Conversely, if BrandRep fails to file a  
21 motion to vacate on or before September 3, 2021, Plaintiffs intend to move forward with filing a  
22 motion to certify the class and a motion for leave to conduct post-default discovery.

23               Consequently, Plaintiffs respectfully request that the Court vacate the Case Management  
24 Conference scheduled for September 3, 2021.

25                               Respectfully submitted,  
26  
27  
28

1 Dated: August 17, 2021

**A1 ON TRACK SLIDING DOOR  
REPAIR AND INSTALLATION, INC.,  
SYLVIA SCHICK, and DEBORAH  
SCHICK**, individually and on behalf of all  
others similarly situated,

4 By: /s/ Taylor T. Smith  
5 One of Plaintiff's Attorneys

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14 *Counsel for Plaintiffs and the Putative Class*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above titled document was served upon counsel of record by filing such papers via the Court's ECF system on August 17, 2021.

/s/ Taylor T. Smith